

Thomas J. Bata Library, Trent University

HX
11
.F25
no.221

NUNC COGNOSCO EX PARTE



THOMAS J. BATA LIBRARY
TRENT UNIVERSITY

JEREMY BENTHAM.



Jeremy Bentham.

**FABIAN
BIOGRAPHICAL SERIES
No. 11.**

L. Ponder

22.

18

11385
Fabian Tract No. 221

JEREMY BENTHAM.

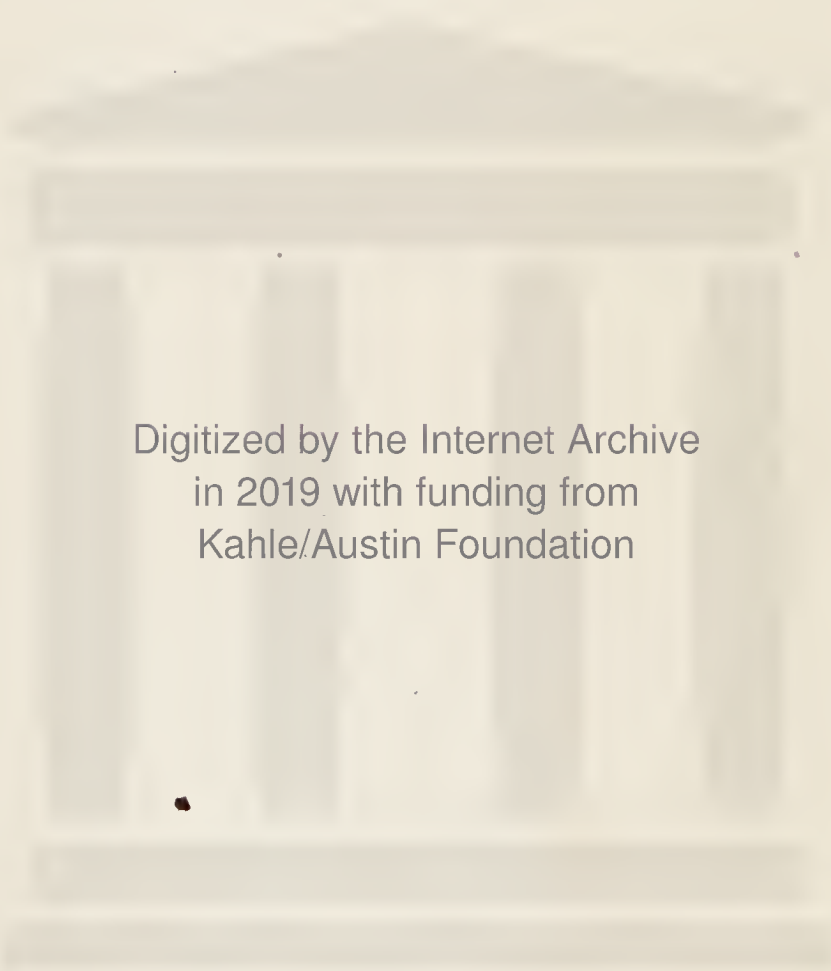
By

VICTOR COHEN.

Biographical Series No. 11. Price Threepence.
Published and sold by the Fabian Society,
25 Tothill St., Westminster, London, S.W.1.

Published April, 1927.

HX11 .F25 no. 221



Digitized by the Internet Archive
in 2019 with funding from
Kahle/Austin Foundation

BENTHAM.

By VICTOR COHEN.

“ The way to be happy is to make others happy, the way to make others happy is to appear to love them, the way to appear to love them is to love them really.” So wrote the chief exponent of the utilitarian creed, Jeremy Bentham.

He was born in the year 1748 in Red Lion Street, Houndsditch. In his boyhood he displayed unusual zest for learning, and his precocity offered his father hope of seeing his son on the woolsack. Later in life he delighted to recall how before he was breeched he had run home from an aimless walk and installed himself in a huge chair to read Rapin's History of England. But he found that it was a history of throat cutting on the largest scale for the sake of plunder, the throat cutting and plundering being placed at the summit of virtues. He recalled his early “ pain of sympathy.” He began at the age of three to learn French under the tutorship of M. La Combe d'Avignon, with whom he read Fenelon's *Télémaque*. His father had carefully kept from him any diverting book. His study list was excessively dull; *Télémaque* consequently had an early and strong influence on his receptive mind.

When he was seven years old he was sent to a typical 18th century scholastic penitentiary, Westminster School. He found little happiness here. “ The instruction was wretched; the fagging system was a horrid despotism; the games he found beyond his strength.” In spite of his diminutive size, his ability inspired respect and enabled him to escape the birch. Already young Jeremy was known as the “ Philosopher,” and his delighted father pompously indicated to him the path to greatness.—“ If you mean to rise catch hold of the skirts of those above you and care nothing for those who are beneath you.”

At the age of 12, he left Westminster, and following the routine canalised by ease he entered as commoner in one of the most exclusive and consequently one of the idlest colleges at Oxford—Queens. His strictures on Oxford but corroborate the accounts of Wesley, Adam Smith, and Gibbon. “ The mornings, he noted, were spent in useless routine, the evenings in playing cards.” He found the streets of Oxford “ paved with perjury,” for although he was excused the oaths to the Church of England

University on account of his youth, he felt the insincerity bitterly, and his whole mental outlook was seared by the sight of several Methodists being expelled their colleges for the crime of heresy. He took his degree in 1763, and in the same year he began to eat his dinners at Lincoln's Inn. But his repugnance to the legal profession was soon apparent, and the boy of 15 returned to Oxford to listen to Blackstone, the holder of the newly created Venerian Professorship of Law, as he was dilating on the glory of the British Constitution. He obtained his M.A. in 1767, and then left for London to begin his triumphal march to the Woolsack. His career at Oxford had been remarkably devoid of incident. As a lawyer his failure was even more glaring. His ambitious and hectoring father heard with bitter annoyance that he had converted his chambers into a laboratory, that he was studying chemistry with Dr. Fordyce, and that he was courting "Prætorius" Priestly, the discoverer of oxygen. It was nevertheless to this combination of such apparent opposites as Physical Science and Law, that Bentham owes his place in the niche of Law Reformers. It was his interpretation of Politics in terms of Newtonian Physics that supplied him with a method which proved so fatal to the blundering optimism of the 18th Century Governors of England.

Till well in the seventies Jeremy but reflected the leisured and wealthy class into which he was born. The '45 was still a romantic and loyal memory. In his babyhood, amidst Jacobite surroundings, he had learnt to worship at the shrine of Charles the Martyr, and to regard loyalty and virtue as interchangeable terms. He wrote a sonnet on the death of George II which was praised by the Tory oracle of the period, Dr. Johnson. He espoused the cause of royalty against the attack of Junius; he hounded down Wilkes, and when a darker cloud appeared on the horizon, the truculent and rebellious attitude of the American Colonies, Jeremy Bentham, with his friend John Lind, again took up the cause of royalty and authority in a "Review of the Acts of the thirteenth Parliament in 1775." Nevertheless the Tory ne'er do well was not an idle dilettante. By judicious study he became the intellectual legatee of the 18th century; for he focussed in himself its philosophy, its scientific optimism, its individualism and its anti-clericalism. Instead of carving for himself a brilliant legal career he began questioning the very assumptions of political life, and his despairing father found in him not a prop and a potential pillar of society but a hardy and dangerous innovator. He received his son's appeal with paternal resignation. "In the track I am in I march with alacrity and hope; in any other I should crawl on with despondence and reluctance," and so Jeremy quitted the profession he hated, to add lustre to it by his zealous reform.

18th Century Policies.

The 18th Century has a numbing sense of void after the vitality of the 17th, for its tolerance was the result of apathy and not of conviction, and even its sympathy had to seek a selfish veneer. It began with an assertion of the contractual nature of Government, and it ended with struggle to assert natural rights. Yet never were the logical consequences of these assumptions more openly violated. "Everything for the people, and nothing by them" was the maxim of Frederick the Great and Bishop Horsley echoed: "The people have nothing to do with the laws but to obey them." The English as pioneers in tyrannicide were aggressively proud of their "Matchless Constitution" created by a "Glorious Rebellion," and its praise by Montesquieu and De Lolme confirmed them in the self righteous optimism which made any reform hopeless. For in theory the English constitution was the only legitimate one in existence. It alone was based on a sacred contract of King and People; it made provision for the Separation of Powers which was the only true guarantee of liberty; it gave sanction to the Natural Rights of Life, Liberty and Property, which were the *raison d'être* of every true government. Criticism both sound and cynical had already begun to undermine this elaborate structure. De Lolme had pointed out the ease with which interested apologists confused the actual with the ideal. The cynical and corrupt Fox had sneeringly remarked how the Right to Rebellion, the very basis of the Constitution, had to be presented as potentially possible to the Governors alone, for to the governed it had to be made impossible. Above all the sceptical and corrosive mind of Hume had taken an unnatural delight in destroying what was at once an intellectual error and a Whig fetish.

But the Century of Individual Rights was also the Century of Enlightened Despotism. Bolingbroke's Patriot King, stripped of the selfish motive which inspired its author, was the pale and attenuated replica of the Philosophic Autocrats of the age.

Government was for and not by the people, but Englishmen in no way accepted the political creed of Tyranny. If the tradition of Locke and its new version by Rousseau showed, in Acton's words, that "not the devil but St. Thomas Aquinas was the first Whig" an indigenous English historical school, led by Cartwright and Benjamin Vaughan, Hollis and Sawbridge, opposed the Divine Right of Kings with the Divine Right of the Individual and appealed to historical precedent to justify the concrete liberties of Englishmen as opposed to the Natural Liberty of Man. But a long period of office had converted even the Whig Party to an unquestioned acceptance of the *status quo*, and by a swing of the party pendulum George III. had brought to power their rivals,

who, if they had given up their idol, had not abandoned their idolatry.

In the background of these conflicting theories the Industrial and Agrarian Revolutions were changing the face of England, and these gave force to the mechanical and optimistic outlook which pervaded the Age. Man was at last controlling nature; he could measure its forces, and subordinate it to his purpose. Why should he not extend the same mental attitude to the Social Sciences? The legislator would then be akin to the inventor, for he could control the individual through his egoism, he could mould Society through its self seeking. Benthamism consists in the application of mechanical formulæ to the solution of the problems of Ethics and Politics.

If these were the main forces acting on Bentham, his wide reading supplied him with the mental equipment, which enabled him to translate a vague influence into a dynamic force. For he was above all a synchronistic thinker, a genius in method, rather than an innovator in ideas. From Helvetius he adopted the conception that Man as a moral being was the product of the social atmosphere of the society to which he belonged. But, insisted Bentham, Who created this social atmosphere? Was it not the Legislator? By rewards and punishments he could evoke such conduct as he desired. The Lawgiver moulded human behaviour and harmonised human passions for the public good. With Law so potent, Bentham early aspired to create good laws in order to make good men.

The growing humanity of the "Brutal Century" no less influenced him. The sympathy which sought expression in the anti-slavery agitation and in the growing care of the poor, in the desire to reform the prisons and to soften the rigours of the criminal law, he felt intensely. But his creed opposed any structure based on so subjective a foundation as pity. Beccaria supplied him with the requisite test. The reason for the cruelty of criminal legislation was that it was based on the principle of sympathy and antipathy. Men were punished according to no logical scale of values, but simply because their crimes were hated. But each man hated different crimes with a different intensity. If public welfare were taken as the aim and standard of punishment then barbarity would disappear from law, and crime would be punished with mathematical accuracy according as it retarded much or little the social good.

Priestly and Hume taught him that the aim of government was the greatest good of the greatest number. This gave him the clue to the labyrinth of law. No longer was it to be "learning" painfully acquired. It was to become a Science, having a few rigid axioms on which government could be easily constructed. Thoroughly secular in outlook, he threw overboard every

theological assumption as to the origin and destiny of society. Hating complexity as the ally of confused thinking, he at once discarded the English dispensations of a Mixed Constitution and a Division of Powers. Obsessed with the Ideal of Utility, he swept away the Theory of Contract, as being untenable historically and useless philosophically. Government ought to be built on one foundation, the greatest good of the greatest number.

His acute mind had at once seen through Blackstone's penegyric, but only after a long delay did there appear in 1776 his "Fragment on Government," a penetrating criticism of the "Commentaries." Blackstone, he contended, had carried the ingenuity of the hireling advocate into the chair of a Professor. That his criticisms were forceful was universally recognised, and rumour at once ascribed the book to the greatest legal intellects of the time, to Camden, to Mansfield. But his father, glad beyond control that the erudition of his son was at last receiving public recognition, proclaimed his authorship. Immediately the author and the book sank back to obscurity, and Bentham again busied himself with his reading and experiments till, five years later, Lord Shelbourne called upon the author of the "Fragments" to invite him to Bowood, a great and historic centre of English political life.

Patronage was dying, mortally wounded by the courageous letter of Dr. Johnson to Lord Chesterfield. Bentham, moreover, had little need of the patronage of wealth. There was, therefore, little of servility in the relationship between these two men. He was nevertheless deeply grateful. At Bowood he met the great political figures of the age—Camden, Mansfield, Dunning, Pitt, Price, Romilly, a powerful group whom he hoped to indoctrinate with the creed of utility. He was surprised, however, to meet with such vehement opposition. A Tory, he thought that he had only to tell the governors the good they could do, for them to carry it out. But his doctrine, in the words of Leslie Stephen, "seemed to some a barren truism, to others a mere epigram, and to some a dangerous falsehood," and feeling helpless to break the complacency of his countrymen, in 1783, he left for Russia, where his brother Samuel was working on the estates of Prince Potemkin at Critchhoff. A failure as he apparently was, he nevertheless dreamed of himself as the founder of Scientific Legislation. "What Bacon was to the physical world, Helvetius was to the Moral; the Moral world has therefore had its Bacon, but its Newton was yet to come." Bentham aspired to fill the gap. He spent two years in Russia elaborating his ideas. Under the spur of Pitt's revenue schemes, he sent home his "Defence of Usury," which extorted the high encomium of his master Adam Smith. It was only on the earnest appeal of one of his early disciples, George Wilson, stating that a Churchman and

Dean of Carlyle (Paley) had plagiarized his ideas in his "Principles of Moral and Political Philosophy" that Bentham returned, and in 1789, on the very eve of the Revolution, there appeared his *Magnum Opus*, "An Introduction to the Principles of Morals and Legislation."

BENTHAM AND THE FRENCH REVOLUTION.

The French Revolution has been treated either as a hysterical outburst of passion or as an organised conspiracy against Society. Yet the passion and faith of France in travail sent sympathetic thrills through Europe and traditional English party life was submerged in the emotions it raised. The Whigs, now a party without a creed, joined the Tories in defence of the past, and when an infectious logic reared in Britain an Edinburgh and a London Convention, Whigs and Tories became allies in defence of present wrongs. Burke became the prophet of reaction, and England the prop of monarchy and obscurantism. Pitt and Panic governed the realm. Bentham had no love for the past. With Voltaire he agreed that history was but a record of human folly and human wrong; with Raynal that no people can be free, if it respected the memory of its chains. He believed intensely in new beginnings. He saw in Revolution no sin against organic continuity. Tory although he was, he sympathised with the French. But to the calm calculator of human weakness, the impassioned oratory of the New Assembly was itself offensive. In vain he pointed out the difficulty of building a social structure on Natural Rights; the example of America and the teaching of Rousseau had made this the political orthodoxy of the period, and Bentham was disregarded. Above all, his legal training, his Tory sympathies and the teaching of Hume, had instilled into him a reverent respect for Security. Bentham saw the distinctive index of civilisation in order. The French found the cry of order and security, the swan song of threatened privilege and wrong. Bentham turned away in despair from his new hope, and opened his house as a hospice for French refugees. But in spite of his passive hostility he yet saw in France the most opportune field for his social experiments. England had been an encouraging culture for mechanical invention in search of wealth, but the "deep slumber of a decided opinion" had rendered social invention impossible. Politics have even ceased to be, in the words of Maine, "an eternal cricket match between blue and yellow," for the frenzy of Burke had infected both party teams, and coercive acts made slumber a patriotic duty.

To France, Bentham turned in hope. To La Rochefaucauld, to Mirabeau, to Brissot, he sent tract after tract. His "Essay on Representation" was followed by one on "Political Tactics."

This was succeeded by a "Project of a Code for the organisation of the Judicial System of France." This again by a "Project on the Panopticon," and lastly an appeal, "Emancipate your Colonies." The young Benthamite circle under Romilly drew up an "Essay on Procedure for the use of the National Assembly." But the reply of awakened Nationalism was decisive. "Nous ne sommes pas des Anglais, et nous n'avons besoin des Anglais." With the amiable simplicity of the recluse he offered to become the unpaid gaoler of France during the Reign of Terror if only he could experiment with his new pet prison, the Panopticon; but Madam La Guillotine beat him in open competition. The star of Rousseau outshone that of Bentham. Natural Rights still overshadowed utility. But the French were not ungrateful. Having thrown the head of a King as a challenge to European kingship, they were thankful for any helpful gesture, and in 1792 they accorded to Bentham, "the benefactor of the human race," the title of French Citizen.

He had now reached middle age, and except to a small legal circle he was almost unknown. The wave of Revolution had engulfed his doctrine. Chief Justices Braxfield and Eyre had declared it treasonable to question the divine perfection of the English Constitution; the French had responded to the warm rays of justice and equity, and had been unmoved by the cold although luminous appeal of egoism and utility. Most men would have been content to enjoy passively the mundane delights of good health and financial ease. But Bentham's inventive faculty gave him no peace. He turned again to the English Government with wonderful schemes of domestic utility and legal simplification. In 1795 he sent to the Ministry his "Protest against the Law Taxes." To the boast that the English Law Courts were open to all, Horne Tooke had retorted that like the tavern they were open to all who could pay. Bentham desired to remove this stain from English justice and to prevent lawyers becoming merely fee gatherers. In the same year he propounded a scheme of Death Duties in his pamphlet, "Escheat versus Taxation." In 1797 he sent to Arthur Young's *Annals of Agriculture* a solution of the Poor Law Problem which later found expression in the Poor Law of 1834. In 1798 he was busy with Colquhoun drafting a scheme for the reform of the London Police. In 1799 he came out with a scheme, which he submitted to Cobbett's *Peter Porcupine*, on the Population Bill, the suggestions of which were adopted in the following year in taking the first Census. An astonishing fertility in mechanical and social invention on the basis of the "greatest happiness principle" was his inexhaustible gift and peculiar contribution to society. In 1830, two years before his death, Talleyrand paid the compliment to his intellectual resources, "Though all the world has stolen from him he remains still rich."

His Philosophy.

Bentham's philosophy possesses the symmetry and narrowness of simplicity. In the common man he found the source of all social action, and for the common man he erected the social structure of the State. He dismissed as mysticism the idea that society was anything but a collection of individuals. It possessed no entity of its own, no purpose of its own, no idea of its own, apart from the individuals who composed it. The ultimate unit was always the individual, to whom tradition or social purpose was remote in comparison with his desire for pleasure and his avoidance of pain. Seeing in the individual the source of all endeavour and the hope of all improvement, Bentham was led to an analysis of his mentality. Upon this psychological assumption he erected his ethical and legal edifice. He begins, in his "Introduction to Morals and Legislation," "Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do as well as to determine what we shall do. . . ." Consequently he deduced, "Those acts are good which cause pleasure, those acts are bad which cause pain. . . . No motive is in itself either moral or immoral; all human instincts are equally natural." The different valuations placed on loyalty and treachery, greed and charity, love and hate, are based on no common objective standard. Men are by nature egoists, therefore on egoism is society to be built. There is a positive and objective science of mind, and on this government is to be erected. There was equally a Science of Law, the aim of which was the greatest happiness of the greatest number. The *raison d'être* of every legislative act is its utility. By careful mathematical calculation the Sovereign could, by the use of sanctions (physical, political, moral, religious), harmonise the clashing passions of his subjects. The Sovereign therefore created the Moral Order of the State; it was he who made possible the Equilibrium of Interests demanded by human association. Society was the artificial creation of his labour. The 18th century enlightened Despot is still visible in the School of Utility. Bentham, a true descendant of Hobbes, still saw in the Sovereign "The common power to keep them in awe."

The reasoned calculus of the Law Maker could best be secured by following, during this voyage of discovery in search of the greatest happiness of his subjects, four brilliant stars of descending magnitude. Security, Subsistence, Abundance, Equality. That Bentham's Tory philosophy saw in security the chief road to happiness is no matter for surprise. Subsistence and Abundance were Bentham's tribute to the population discussion then raging. Equality was not the least worth striving for; it was the least attainable; all that could be done was to diminish

inequality. The Sovereign might secure fraternity but not equality. The doctrine of utility was as yet no egalitarian creed.

The full revolutionary implication of Bentham's creed became apparent, only when new social conditions synchronized with a demand for a new theory. Bentham and his disciples did no more than direct the diffused contemporary thought along well defined logical lines. They worked out a small stock of leading ideas in their minutest applications.

The year 1808 saw the rise of a new dawn. Reaction itself was wearying. The famous Westminster Election of 1807—in Bentham's constituency—returned to Parliament Burdett and Cochrane. The Cevallos article having made the Edinburgh Review Whig, the Tories started in opposition the Quarterly Review. Byron, Shelley, and Keats took up freedom's lyre which had fallen from the hands of Wordsworth, Southey and Coleridge. Above all, by a turn of the war tide, England became the ally both of the cherished Nationalism and of the threatened liberty of Europe against the Napoleonic despotism. In the same year Bentham met James Mill, and Utilitarianism passed from a legal aspiration to a political dogma. For "if Bentham gave to Mill a doctrine, Mill gave to Bentham a school."

Utility and Democracy.

An old man of 60 now became the Patriarch of English Radicalism. As a Tory, Bentham had failed to convince the Tory rulers. Applying his philosophy to the political situation, he was amazed at the simple solution he found. The governmental clique simply sought its own happiness and not that of the community. In the very nature of things every group, like every individual, sought its own pleasure. Consequently the legal corporation, the clerical corporation, the aristocratic corporation were "sinister interests" with selfish desires which were inimical to Society. In law, in politics, in religion, the final test of goodness was the promotion of the greatest happiness of the greatest number, the final court of appeal was the public good. How then was it possible to reconcile the apparently conflicting interests of Government and Society?

The utilitarian answer to this vital question is hazy. It was useless to reply with Bentham that "in me somehow selfishness has taken the form of benevolence," for no Benthamite could logically accept a subjective solution. Here Benthamism remains inherently a self contradictory creed. It postulated an individual with appetites and aversions; the problem remained how to organise him in Society. Two solutions presented themselves. Mandeville in his "Fable of the Bees," with his brilliant paradox that "Private vices are public virtues," has suggested one. Each

man by following his own selfish desires, somehow without any external co-ordinating body, contributed to the well being of the Commonwealth. This solution was carried to its logical conclusion by the economists and applied ruthlessly to an Industrial Society. Adam Smith had shown how each person by close specialisation and constant search for private gain contributed to and created thereby an industrial harmony. *Laissez Faire* became the cry of the economists, and relying on the self-acting automaton of greed, they excluded government from their society. Ricardo, Mill, McCulloch, all good Benthamites, could so draw a distinction between Government and People and agree with the mediævalism of Paine that Society exists for our needs, Government because of our vices. Shelbourne with the curious English trait of finding a religious basis for commercial motive saw this period as the "Era of Protestantism" in the realm of commerce. As late as the sixties, Cobden could therefore interpret Free Trade as the "International Law of the Almighty," and "Government as a standing conspiracy to rob and bamboozle."

But another solution presented itself, that of the Tory Bentham. He, too, saw in the individual the font of all fruitful progress, his egoism the source of all hope; but if egoisms clashed, chaos not harmony, would result. He therefore sought to create a despotic sovereign power, who by sanctions would harmonise opposing egoisms in the interests of the greatest happiness of the greatest number. But now the law maker himself was a sinister interest, intent on his own pleasure. Somehow Government was essential to Society, and yet it was its danger. In the sphere of law and politics, Bentham found the ultimate solution in Representative Democracy; in the sphere of Economics no solution presented itself to him. Maine's criticism of his master is fundamentally just, he injured his creed in proportion as he went beyond legal reform.

Bentham had also suffered personally from the Tory Government. Howard, "who lived as an apostle and died a martyr," had in vain urged the reform of our prisons. The appeal found a sympathetic response in Bentham, and sympathy utility and mechanical genius combined to produce the Panopticon. This prison was to be a miniature society, with the gaoler as law-giver, and the prisoners his subjects. With complete detail he presented his scheme to Pitt and Dundas. But in England, as in France, Bentham was cruelly disappointed. The Ministry was too busy with the war; difficulties arose over the site. At length, when he had spent his fortune, the whole scheme was cancelled. Public opinion rightly objected to the enormous power given to the gaoler, even if it was to his self interest to use it beneficently. Bentham was brokenhearted.

The Prophet of Democracy.

Chiefly as the "Panopticon man" was he known to the public till 1808. Like so many Englishmen of the period, he appeared to his contemporaries obsessed with one idea, as Spence was with his Agrarian Communism, as Owen was with his scheme of Moral Regeneration in Square Villages. Now he accepted the logical conclusions of his creed, and became the Prophet of Democratic Citizenship, attacking privileged incapacity in every quarter, claiming that Institutions exist for man, not man for Institutions. In 1809 there appeared his "Catechism of Parliamentary Reform." Representative Democracy was to be the bridge between the Sovereign and the People; it was the link between the interests of the Governor and the governed; it was the machinery whereby Government, in the interest of the greatest number, could be applied to modern states. Bentham thus joined hands with Cartwright, his old opponent and a relic of 18th century radicalism, in the demand for universal suffrage. Through Mill he made the acquaintance of Francis Place, and the ex-tailor became the political agent of the new sect. There gravitated to his school all the bolder spirits of the age, Hume, Brougham, Ricardo, O'Connell; Bickersteth brought together Bentham and Burdett, and the latter's demand for Reform in the House from 1818 onward was the political expression of Bentham's creed. The doctrine spread, sown broadcast through Wooler's "Black Dwarf," and Hone's "Reformer's Register," and the old man of 70 watched with glee his life work at last bearing fruit.

For not only was Bentham becoming a force at home, but abroad his fame had spread far. He had early sought a translator of his works. At Bowood he had found Dumont, a man of wide experience, as Protestant Pastor at Geneva and St. Petersburg, and he had secured his services. Their joint success was beyond all expectation. In 1802 there had appeared "Traite's de Legislation Civile et Penale," and the reputation of Bentham spread from Moscow to Madrid. The Czar, Alexander I., solicited his help to codify Russian Law. The liberators of South America, Miranda, Jose del Valle, Bolivar, Santadar, all courted the world's law-maker for utilitarian constitutions. His house became the rendezvous of the world's freedom seekers, and Bentham toiled all day creating utilitarian codes for peoples struggling to be free.

Bentham as Education and Poor Law Reformer.

British problems again claimed his attention. Pious and saintly souls had attributed the world upheaval to the ungodly teaching of Voltaire and Paine, and there grew up a pietistic movement to defend the *status quo* in the name of the church.

The clergy bartered their souls in becoming the moral police force of the State; having a vested interest in the Establishment they now became a sinister interest to an aggressive party. The struggle focussed itself round education, and in Bell's National Schools the faithful were to be taught Christian resignation as the subjects of a secular state. But English nonconformity was too deeply rooted to be thus ignored, and the Lancastrian Schools opposed the orthodox teaching in the name of Christian truth. The Benthamites entered into the fray. They recognised the potency of education in the formation of character; in their hands it was to be an instrument to drill the nation in utilitarian politics and economics. Mill, Place, Wakefield, Brougham joined in founding the British and Foreign School Society, while Mill had launched the attack in his "Schools for all, not for Churchmen only." Bentham heartily co-operated, and he elaborated a new educational programme in his "Chrestomathia." The curriculum embraced all "useful" subjects. The classics could not be included, and thus there began the controversy as to the merits of a Classical as compared with a Modern education. Bentham helped to frame Broughton's resolutions for Universal Secular State Education in the House in 1820, and he inspired his disciple Roebuck, so effectively that during the clash of measures in 1833 the Benthamite appeal for instruction in citizenship was still heard.

The utilitarian interest in education was however not anti-clerical in origin. It sprang from a deeper and older source. The roots of English state education are embedded in the Poor Law, and the State care of the poor had then become the object of grave enquiry. All hope of improvement, every vista of escape for the labouring poor, had been choked up by the Malthusian Law of Population. Competition appeared as much a law of biological necessity as of industrial well-being. If vice and misery were the consequence of the Biblical ordinance to replenish the earth, humanity demanded that the labourers should be taught dignity and continence. The School of Bentham incorporated the teaching of Malthus, and demanded State education as part of the machinery of utility in order to teach the workers of England sobriety and self help. Moreover, a philosophy based on a calculus of pleasure and pain assumed that each man knew his own interests. The social fabric was only possible on this assumption. The Benthamites aimed by state education at teaching citizens what their true interests were.

Bentham and Post War Britain.

In 1815 the war passed away, but prosperity did not arrive. Thwarted hopes and appalling social distress found vent in riots

which threatened the foundation of the State. A stringent coercive policy appeared to be the only bulwark of society. Bentham, a landed proprietor and an ex-Tory, appealed to the Tory governors to mitigate their ferocity. "Radicalism not Dangerous," in 1820 completed his political apostasy and captured the country. For the former opponent of Natural Rights had by a circuitous route alighted in their camp, and was now advocating their own conclusions.

Bentham, however, demanded universal suffrage and representative democracy, not as the superstructure to a society based in the Rights of Man, but as the machinery by which to identify the interests of people and government. He saw the close relation that existed between Law and the interests of a dominant class; by majority rule he sought to harmonise the conflicting interests in the body politic in the interests of all. Utility demanded that every human being should be considered as of equal legal value, that legislative power should depend not on property but on humanity, that a public office was a public trust. Rousseau and Bentham, so antagonistic in basic ideas, joined hands in their conclusions.

For the next 12 years Bentham was the outstanding International figure in the realm of law and politics. Every struggling Liberal cause found in him a sympathetic guide. Spanish nationalists and Portuguese constitutionalists appealed to him for advice. He became one of the foremost members of the Greek Committee. He made codes for Morocco and Egypt. To President Madison he sent his Panomion a Code of universal validity. In 1823 he made a world-wide appeal to any nation desiring a Code, and he proclaimed his own credentials as a law-maker, for publicity was the soul of utility.

In England, if he was more than ever a recluse, he was becoming more than ever a force. He began what was to be his *chef d'œuvre*, his Constitutional Code, and his vision of a future society is portrayed in this uncompleted work. His conclusions were startling. For the representation of interests or property he substituted representation of Man. . . . He abolished Monarchy as being incompatible with the identity of interests between governor and governed. He abolished the House of Lords, because it was an aristocratic corporation. He appealed for a uni-cameral legislature based on universal suffrage, on equality of voting power, on the secret ballot, and on annual elections. He organised responsibility by the publication of debates and division lists, and by a constant appeal to the tribunal of public opinion. He created new government departments of Internal Communication, Indigence and Relief, Education and Health. He demanded a Public Defender. He instituted com-

petitive examinations for the recruitment of the civil service. He proposed centralised control over local administration. Above all, he insisted that law should be made only by the recognised public organs and not by Judge & Co. in their own interests, for Law was made for society, not for lawyers. His code was thus a charter of emancipation from lawyercraft and kingcraft, and his unfailing optimism saw it as the force to heal the world of the future.

Bentham had been gifted from youth with a capacity for intellectual domination. He now achieved the intellectual conquest of England. But as in all faiths, each priest soon interpreted the Master's teaching in a different light. The economists emphasised the harmony arrived at through self-seeking without any social control; the early English socialists insisted on Government carrying out its function of securing the greatest happiness of the greatest number. The rift within the creed was, however, not at once apparent. The orthodox Benthamites saw in Government only a sinister interest, interpreted freedom only as removal of legal restraint. It was against the advocacy of a barren freedom and an unequal individualism that the finer minds of the 19th century railed. In Carlyle's scathing words: "it was a scavenger age, appealing for Horse Hood and Dog Hood Suffrage," while "Sir Jabesh Windbags was being elected to power by the temporary hallelujahs of flunkies." To Ruskin the ennobling of greed as an essential element in the state made for Illth, not Wealth.

But in Bentham's lifetime, the divergence was neither so apparent nor so wide, and a growing apostolate spread his doctrine. In 1821, James Mill founded the Political Economy Club. In 1823, the Younger Mill, in nurture the finest offspring of the new creed, founded the Utilitarian Society for the junior disciples. It included amongst its numbers, Prescott, Wm. Eyton Tooke, Wm. Ellis, Graham, Roebuck, Grote, Austin. They met in the Master's house, they studied his works and confronted the Owenites and Spenceans with ruthless logic, and achieved their own political education and graduated as the future leaders of public opinion, under the guidance of Bentham himself. In 1823 Bentham appealed to a wider circle by starting the Westminster Review. His disciples enthusiastically answered the call of Campbell and became the founders of the new secular University of London. They supported the struggling Mechanics Institutes. Of disciples there was now no end—Chadwick, Southwood Smith, Charles Hay Cameron, James Deacon Hume, Wakefield, Buller, Hodgskin, and even O'Connell. In vain the Tories, now by the swing of events transformed into a doctrinaire party, inveighed against the Professors of the Arts Babbletive and Scribbletive. Bentham effectively replied in his Book of Fallacies.

This effected by sarcasm what reason could not accomplish, and he followed up his attack by a trenchant onslaught on the ally of Toryism, the Established Church. "Not Paul but Jesus" was a counterblast to the whole clerical hierarchy, and, working with George Grote, they together produced under the pseudonym of Philip Beauchamp the "Analysis of the influence of Natural Religion on the temporal happiness of mankind." Using Benthamite language they attacked God as a sinister interest, His Power as an unconstitutional despotism, and the whole clerical hierarchy as a corporation opposed by interest to truth. The Tory mind saw the Church as the spiritual facet of Society slowly adapting itself to human needs, the Benthamites saw it as only a creation of Priestcraft, and they demanded the complete disestablishment and disendowment of the Church. But in his attack on this tradition, Bentham did not carry all his school with him. Wm. Allen, the whole Clapham sect, even his own secretary Bowring, held aloof, while by the irony of history the Neo-Catholic movement was just then being founded in Bentham's old university as a protest against the mechanical and rational outlook of the age. His prestige nevertheless coloured the whole of the democratic movement, and it gave force to the tradition, long maintained, and hardly yet eradicated, of the necessary alliance between irreligion and democracy, anti-clericalism and Radical thought.

More effective was his influence on the new Colonial life of Greater Britain, and the former author of "Emancipate your Colonies" made public recantation as the need for social control and scientific law-making became urgent in England's dependencies. In India his influence was exceptionally profound. James Mill was at the India Office. Silk Buckingham and Col. Young, two ardent disciples, were in India. Macaulay, a Utilitarian *malgre lui*, and Charles Hay Cameron, his colleague, a militant Benthamite, were soon to apply his legal and education principles on an alien soil. Bentinck on his appointment as Governor-General wrote with due humility, "I am going to British India, but I shall not be Governor-General. It is you will be Governor-General." Bentham with less modesty agreed. "One day I shall be the legislative power in India, 20 years after my death I shall reign there as despot." It was to Bentham that Edward Gibbon Wakefield came for aid to draw up his scheme for scientific colonisation, and the former author of "The Panopticon versus New South Wales" wrote as he saw the success of his plans, "I am reconciled to the loss of the Panopticon when I think of the mass of happiness that is being created there." The Magna Charta of Colonial Self-Government, the Durham Report, had for its chief author two Benthamites, Wakefield and Buller.

English Socialism also owes an inestimable debt of gratitude to the almost mythical exponent of stern individualism. With Owen, he possessed the bond of a common philanthropy, but Hodgskin was his secretary, and in his "Labour Defended," Hodgskin attacked, not Bentham, but Mill and Ricardo, with Utilitarian arguments based on the assumption that the very goal of government was the greatest happiness of its citizens. The political and economic strands began to diverge, but although patent enough in John Stuart Mill, the divergence was as yet dimly perceived. Wm. Thompson, his disciple, condemned the existing system of distribution on Utilitarian ethics, and claimed the teaching of Bentham as its effective reproof. Charles Hall advocated Progressive Taxation from Benthamite axioms. In J. S. Mill the struggle between traditional individualism and logical state action became painfully apparent, and he ended by advocating compulsory state education, and the social control over socially created values from Benthamite premises. The curious paradox that individual freedom, in the realm of labour as in the realm of law, could only be obtained by increased social control, ultimately made Mill declare himself a Socialist.

In his extreme old age, Bentham was the venerated head of a brilliant body of disciples; he still lived in his "hermitage" at Queen Square Place; he still toiled away at his Constitutional Code. His life had been singularly happy; he had never endured pain he had never suffered want. In his veneration of precision he had invented a new jargon, but he has been as felicitous in some of his verbal inventions as in his social inventions; and the terms maximize, minimize, codification, international, have been of inestimable value to clear political thinking.

In 1832, two days before the passing of the Reform Bill, to which he had contributed so much, he died in his "Hermitage." To avoid giving them grief, he sent his younger disciples away; he only asked to minimize pain. He bequeathed his body to science. Dr. Southwood Smith pronounced the funeral oration.

Of Bentham, it can faithfully be said, that his best monument is the record of social effort in the 19th Century. His ministry of love embraced every sentient creature. He had opposed all brutal sports, cockfighting, bull baiting, fox hunting. "The question is not," said he, "can they talk, can they reason, but can they suffer?" He had espoused the cause of every suffering class; he had advocated freedom for every struggling people, he had fought for every persecuted sect. But his scientific mind saw in pity a force which did not lend itself to calculation and legislation; he attempted therefore to cement a psychological hedonism with utilitarian altruism. If his psychology was premature, he nevertheless made potent a method of submitting every institution and every belief to the pitiless searchlight of utility.

Before the question, "What was the good of it?" incapacity, jobbery, nepotism slunk away.

If he was irreverent, it was because holy things had become corrupt, if he became a rebel, it was because authority had become irresponsible. His vision of society as a group of rational political equals cut athwart every conception of a social hierarchy. He shattered the theory that Kingcraft was government, that Priestcraft was the church. By substituting a teleological for a merely analytical conception of political obligation, he created a basis for judging the value of any government in its effects on the happiness of the ordinary man.

BIBLIOGRAPHICAL NOTE.

Bentham's Works were edited by Sir John Bowring, in eleven thick volumes, 1843, which may be found in various public libraries. "A fragment on Government" was re-edited by F. C. Montague, 1891, Oxford University Press, 7s. 6d.; and the "Introduction to the Principles of Morals and Legislation" was republished in 1879, Clarendon Press, 7s. 6d. For description and criticisms of Bentham's work, see "The English Utilitarians," by Sir Leslie Stephen, 1900; and report of the lecture by Professor Graham Wallas on Jeremy Bentham in the "Political Science Outlook," March, 1923.

ATKINSON, C. M.—"Jeremy Bentham, His Life." Methuen. 1905. 5s.

DAVIDSON, W. L.—"Political Thought in England from Bentham to Mill." Williams & Norgate. (Home University Library.) 2s.

HALEVY, ELIE.—"La Formation du Radicalisme Philosophique."

MCCUNN, J.—"Jeremy Bentham in Six Radical Thinkers." Arnold. 3s. 6d.

PHILLIPSON, C.—"Jeremy Bentham in Three Criminal Law Reformers." Dent. 18s.

STEPHEN, LESLIE.—"The Utilitarians," Vol. I. Duckworth. 7s. 6d.

See also the Benthamite Documents in University College, London.

THE FABIAN SOCIETY

25 TOTHILL STREET, WESTMINSTER, LONDON, S.W. 1.

Those willing to join the Labour Party, or desirous of obtaining information about its Programme and Principles, are invited to communicate with the Secretary of the Fabian Society.

The Fabian Society has been, from the outset, a constituent body of the Labour Party; and membership of the Society carries with it full membership of the Labour Party; eligibility for nomination to all Conferences and Offices, and qualification for Labour Party, candidatures for Parliament and Local Authorities, without obligation to belong to any other organisation.

The Society welcomes as members any persons, men or women, wherever resident, who subscribe to its Basis (set forth below), and who will co-operate in its work according to their opportunities.

BASIS OF THE FABIAN SOCIETY.

(TO BE SIGNED BY ALL MEMBERS.)

(Adopted May 23rd, 1919.)

The Fabian Society consists of Socialists.

It therefore aims at the reorganisation of Society by the emancipation of Land and Industrial Capital from individual ownership, and the vesting of them in the community for the general benefit. In this way only can the natural and acquired advantages of the country be equitably shared by the whole people.

The Society accordingly works for the extinction of private property in land, with equitable consideration of established expectations, and due provision as to the tenure of the home and the homestead; for the transfer to the community, by constitutional methods, of all such industries as can be conducted socially; and for the establishment, as the governing consideration in the regulation of production, distribution and service, of the common good instead of private profit.

The Society is a constituent of the Labour Party and of the International Socialist Congress; but it takes part freely in all constitutional movements, social, economic and political, which can be guided towards its own objects. Its direct business is (a) the propaganda of Socialism in its application to current problems; (b) investigation and discovery in social, industrial, political and economic relations; (c) the working out of Socialist principles in legislation and administrative reconstruction; (d) the publication of the results of its investigations and their practical lessons.

The Society, believing in equal citizenship of men and women in the fullest sense, is open to persons irrespective of sex, race or creed, who commit themselves to its aims and purposes as stated above, and undertake to promote its work.

The Society includes :—

- I, Members, who must sign the Basis and be elected by the Committee. Their Subscriptions are not fixed; each is expected to subscribe annually according to his means. They control the Society through the Executive Committee (elected annually by ballot through a postal vote), and at its annual and other business meetings.
- II. Associates, who sign a form expressing only general sympathy with the objects of the Society and pay not less than 10s. a year. They can attend all except the exclusively members' meetings, but have no control over the Society and its policy.
- III. Subscribers, who must pay at least 5s. a year, and who can attend the Society's Ordinary Lectures.

The monthly paper, *Fabian News*, and the Tracts from time to time published in the well-known Fabian Series, are posted to all these classes. There are convenient Common Rooms, where light refreshments can be obtained, with an extensive library for the free use of members only.

Among the Society's activities (in which it places its services unreservedly at the disposal of the Labour Party and the Local Labour Parties all over the country, the Trade Unions and Trades Councils, and all other Labour and Socialist organisations), may be mentioned :

- (i.) Free lectures by its members and officers;
- (ii.) The well-known Fabian Book-boxes, each containing about three dozen of the best books on Economics, Politics and Social Problems, which can be obtained by any organisation of men or women for 15s. per annum, covering an exchange of books every three months;
- (iii.) Answers to Questions from Members of Local Authorities and others on legal, technical or political matters of Local Government, etc.;
- (iv.) Special subscription courses of lectures on new developments in thought;
- (v.) Economic and social investigation and research, and publication of the results.

Lists of Publications, Annual Report, Form of Application as Member or Associate, and any other information can be obtained on application personally or by letter to the Secretary at the above address.

SELECTION OF FABIAN PUBLICATIONS.

(Complete list sent on application.)

- THE DECAY OF CAPITALIST CIVILISATION. By SIDNEY and BEATRICE WEBB. Cloth, 4 6; paper, 2 6; postage 4d.
 HISTORY OF THE FABIAN SOCIETY. By EDWARD R. PEASE. New edition. 1925. 6/-, postage 5d.
 FABIAN ESSAYS. (1920 Edition). 2 6; postage, 3d.
 KARL MARX. By HAROLD J. LASKI. 1/-; post free, 1 1½.
 WHAT TO READ on Social and Economic Subjects. 2s. n. postage 1½d.
 TOWARDS SOCIAL DEMOCRACY? By SIDNEY WEBB. 1s. n., post. 1d.
 THIS MISERY OF BOOTS. By H. G. WELLS. 6d., post free 7d.

FABIAN TRACTS and LEAFLETS.

Tracts, each 16 to 52 pp., price 1d., or 9d. per doz., unless otherwise stated.
 Leaflets, 4 pp. each, price 1d. for three copies, 2s. per 100, or 20/- per 1000.

The Set, 7 6; post free 8 6. Bound in buckram, 12 6; post free 13 6.

I. —General Socialism in its various aspects.

- TRACTS.—216. Socialism and Freedom. By H. J. LASKI. 2d. 200. The State in the New Social Order. By HAROLD J. LASKI. 2d. 192. Guild Socialism. By G. D. H. COLE, M.A. 180. The Philosophy of Socialism. By A. CLUTTON BROCK. 159. The Necessary Basis of Society. By SIDNEY WEBB. 147. Capital and Compensation. By E. R. PEASE. 146. Socialism and Superior Brains. By BERNARD SHAW. 2d. 142. Rent and Value. 138. Municipal Trading. 107. Socialism for Millionaires. By BERNARD SHAW. 2d. 139. Socialism and the Churches. By Rev. JOHN CLIFFORD, D.D. 133. Socialism and Christianity. By Rev. PERCY DEARMER. 2d. 78. Socialism and the Teaching of Christ By Dr. J. CLIFFORD. 72. The Moral Aspects of Socialism. By SIDNEY BAILL. 51. Socialism: True and False. By S. WEBB 2d. 45. The Impossibilities of Anarchism. By G. B. SHAW. 2d. 7. Capital and Land. 5. Fac's for Socialists. Thirteenth Edition, 1926. 6d. 41. The Fabian Society: its Early History. By BERNARD SHAW.

II.—Applications of Socialism to Particular Problems

- TRACTS.—214 The District Auditor. By W. A. ROBSON. 1d. 198. Some Problems of Education. By BARBARA DRAKE. 6d. 197. International Labour Organisation of the League of Nations. By WM. S. SANDERS. 196. The Root of labour Unrest. By SIDNEY WEBB 2d. 195. The Scandal of the Poor Law By C. M. LLOYD. 2d. 194 Taxes. Rates and Local Income Tax. By ROBERT JONES, D.Sc. 2d. 188. National Finance and a Levy on Capital. By SIDNEY WEBB. 2d. 187. The Teacher in Politics. By SIDNEY WEBB. 2d. 183. The Reform of the House of Lords. By SIDNEY WEBB. 177. Socialism and the Arts of Use. By A. CLUTTON BROCK. 175. The Economic Foundations of the Women's Movement. 2d. 170. Profit-Sharing and Co-Partnership: a Fraud and Failure?

III.—Local Government Powers: How to use them.

- TRACTS.—218. The County Council: What it Is and What it Does. By H. SAMUELS. 190. Metropolitan Borough Councils. By C. R. ATTLEE, M.A. 2d. 191. Borough Councils. By C. R. ATTLEE, M.A. 2d. 193. Housing. By C. M. LLOYD, M.A. 3d. 189. Urban District Councils. By C. M. LLOYD, M.A. 2d. 62. Parish & District Councils. (Revised 1921). 2d. 148 What a Health Committee can do. 2d. 137. Parish Councils & Village Life. 2d.

IV.—On the Co-operative Movement.

201. International Co-operative Trade. By LEONARD S. WOOLF. 2d.
 202. The Constitutional Problems of a Co-operative Society. By SIDNEY WEBB, M.P. 2d. 203. The Need for Federal Re-organisation of the Co-operative Movement. By SIDNEY WEBB, M.P. 2d. 204. The Position of Employees in the Co-operative Movement. By LILIAN HARRIS. 2d.
 205. Co-operative Education. By LILIAN A. DAWSON. 2d. 206. The Co-operator in Politics. By ALFRED BARNES, M.P. 2d.

V.—Biographical Series. In portrait covers, 3d.

217. Thomas Paine. By KINGSLEY MARTIN. 3d. 215. William Cobbett. By G. D. H. COLE. 3d. 199. William Lovett. 1800-1877. By BARBARA HAMMOND. 3d. Robert Owen, Idealist. By C. E. M. JOAD. 179. John Ruskin and Social Ethics. By Prof. EDITH MORLEY. 165 Francis Place. By St. JOHN G. ERVINE. 166. Robert Owen, Social Reformer. By Miss Hutching. 167. William Morris and the Communist Ideal. By Mrs. TOWNSHEND. 168 John Stuart Mill. By JULIUS WEST 174. Charles Kingsley and Christian Socialism. By C. E. VULLIAMY.



0 1164 0203480 9

Date Due

HX11 .F25 no.221

Fabian Society, London.
Tract.

DATE	ISSUE
	208853

208853

Bno-Dart
of Canada, Ltd.
6 Edmondson St.,
Brantford, Ontario
made in Canada

